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09/814,656	03/22/2001	Yingwei Chen	010088	4339

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EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT PAPER NUMBER

2621

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/814,656

Applicant(s)

CHEN, YINGWEI

Examiner

Christopher Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/3/02&amp; 3/22/01</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4,6-12,14-16&18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruls (US 6,459,850).

Regarding claim 1, Bruls discloses an encoding device for encoding a signal, the signal representing a program of a predefined duration, and the encoding device comprising a compression unit for compressing the signal to digital data, and a system controller for controlling the compression unit for influencing the bit rate of the digital data by fitting the program in a data space which is available for the program depending on a remaining part of the data space and a remaining part of the duration established during encoding, comprising the method steps of receiving a video program, analyzing the video program into its own category according to the contents of the video program, determining target bit rate for the video program according to the corresponding analysis outcome, and encoding the video program based on the corresponding determined target bit rate (see Fig.2; signal input 21 through which an incoming program is fed to the encoding device, compression unit 22 which converts a signal fed

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through the input unit 21 into an encoded signal, system controller 25 for controlling the encoding process by setting the compression unit 22 to a desired bit rate using the determined duration of the program and information relating to the determined available data space for recording the encoded program; col.3, line 49 to col.4, line 55).

From the above discussions, although Bruls fails to disclose encoding processing of a plurality of programs, Bruls discloses a process of encoding any program input through the input unit based on the program's bit rate determined based on the program's determined duration and the determined available recording space.

It, therefore, would have been obvious that the Bruls' encoding system would encode a plurality of programs based on the particular category of each of the programs determined on each of the programs' duration and the available recording space for the particular program.

Regarding claim 2, Bruls discloses the method step of storing the encoded video program in a storage device (see Fig.4, information carrier 1, read/write unit 41, read/write head 42; col.6, lines 22-63).

Regarding claim 3, Bruls discloses the method step wherein the target bit rates are determined according predetermined criteria (see col.3, line 49 to col.4, line 15).

Regarding claim 4, Bruls discloses the method step wherein the predetermined data is selectively changeable by a user (see col.3, lines 65-67 and col.7, lines 5-22).

Regarding claim 6, Bruls discloses the method step wherein the content of the video programs is analyzed into the plurality of the categories according to an electronic program guide protocol (see col.3, line 59 to col.4, line 4), here the target bit rate is determined using the start and end time (duration) of the program. Note that determining the bit rate of a program using the start and end time of a program falls within the EPG protocol.

Regarding claim 7, Bruls fails to explicitly disclose the method step wherein the video programs comprise conventional analog television signals, digital high definition television (HDTV), and digital standard definition television (SDTV) signals. Official Notice is taken that since the Bruls system discloses the encoding processing of a signal, any signal (see col.3, lines 50-52), it, therefore, would have been obvious that the Bruls system would encode process any signal, including conventional analog television signals, digital high definition television (HDTV), and digital standard definition television (SDTV) signals, in order to satisfy encoding processing these signals.

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 1 above.

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 6 above.

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Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 7 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 4 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 6 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claim 1 above.

Regarding claim 15, Bruls discloses a control means (see Fig.2, system controller 25) for controlling the compression means (see Fig.2 and the compression unit 22) according to the compression rate determined by the determining means (see Fig.2 and system controller 25; col.3, line 49 to col.4, line 15).

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claim 7 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 6 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 6 above.

Regarding claim 20, Bruls discloses wherein the storing means is selected from a group consisting of a rewritable optical disk drive, a DVD drive, a magneto-optical disk drive, and a removable hard disk drive (see col.1, lines 40-65; col.7, lines 5-22).

Regarding claim 21, Bruls discloses wherein the determining means determines what portion of the storing means remains available for storing the video information provided to determine what compression rate is used to record the video information on the storing medium (see col.3, line 57 to col.4, line 13).

3. Claims 5,13,17&22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruls in view of Kikuchi et al (US 6,577,811).

Regarding claim 5, Bruls fails to explicitly show the method step wherein the target rate can be directly set by a user via a remote input device. Kikuchi et al teach a digital information recording medium having a limited storage amount and premised on variable bit rate recording, including a digital video recorder for recording and playing back information such as digital moving pictures and the like, which are compressed by MPEG, and furthermore, Kikuchi et al discloses wherein a digital information recording/playback system changes the average recording rate upon recording a program of a predetermined duration in correspondence with the remaining amount of a

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recording medium so as to record the entire program, comprising remote controller 5 which a user can operate by operating the different function buttons of remote controller 5. When a user set up indicates a recording mode of MPEG-2, a recording average bit rate of 4 Mbps, items "MPEG2" and "4 Mbps" are displayed on display 48 (see Fig.26-28, remote controller 5, col.30, lines 11-45; and col.3, lines 1-6), here Kikuchi teaches wherein a user can use the remote controller 5 to set target bit rate of a program in a recording/reproducing system which can change the average recording rate upon recording a program of a predetermined duration in correspondence with the remaining amount of recording medium so as to record the entire program.

It would have been obvious to modify Bruls by realizing Bruls with a remote control means for a user to set target bit rates of a program during an encoding/compression process, as taught by Kikuchi et al, in order, for example, to remotely set target bit rate of a program during an encoding/compression process.

Regarding claims 13&22, the claimed limitations of claims 13&22 are accommodated in the discussions of claim 5 above.

Regarding claim 17, Bruls discloses wherein the compression means comprises a means for compressing the digital signals (see col.4, line 58 to col.5, line 26). Bruls fails to explicitly disclose wherein the compression means comprises a means for compressing the analog signals. Kikuchi further teaches compressing means for compressing analog signals (see Fig.26, encoder 50 which comprises analog to digital



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converter 52, video encoder 53, audio encoder 54 and sub-picture encoder 55; col.26, lines 46-58).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aotake (US 6,389,223) teaches a recording apparatus, a recording method, and a recording medium wherein the recording apparatus and the recording method are well suited for recording information including pictures in the recording medium such as a hard disc.

Golin (US 5,122,873) teaches video signal processing generally, including systems for providing and decoding a compressed digital video signal representative of a full color video signal.

Simon et al (US 4,918,523) teach systems for reducing the amount of digital data required to represent a digital video signal, including systems for formatting a compressed digital video signal to facilitate transmission, recording and reproduction of the compressed digital video signal.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

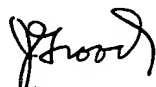
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
COO

3/13/06

  
James J. Groody  
Supervisory Patent Examiner  
Art Unit 262-2616